HANNAH ELIAS BEATS PLATT

KEEPS THE HOUSES AND THE CASH THE OLD MAN GAVE HER.

His Suit in the Attempt to Recover \$685,-000 Dismissed-Justice Found No Evidence of Extortion or Blackmail-Platt's Own Testimony Fatal.

Hannah Elias won a complete victory vesterday when Justice O'Gorman handed down a decision in the Supreme Court dismissing the suit brought against her by the aged John R. Platt to recover \$685,385 ch the octogenarian says he gave her in the course of the last decade.

Aside from a temporary injunction restraining her from using moneys which she admitted on the witness stand she had received from Platt, the negress is now unhampered legally in the possession of the old man's wealth. Argument on the motion to make the present injunction permanent has been delayed pending the decision of Justice O'Gorman, and now the injunction will probably be vacated. Warren. Warren & O'Beirne, Platt's counsel, would not say, after they had heard of the decision, that the case would be appealed. Justice O'Gorman says:

*For a number of years the plaintiff and the defendant maintained meretricious relations, and from time to time during this period the defendant received from the plaintiff large sums of money. plaintiff now seeks the return thereof, and bases his right to recover on the sole ground of blackmail and extortion by means of threats of bodily harm and exposure of

"The case is absolutely without evidence to sustain this claim; indeed, the plaintiff asserts that the alleged threats never affected him, and admits that he was moved only by sentiments of affection for the defendant in giving the money in question. I find no allegation or suggestion in the complaint that he was an incompetent or of impaired mental capacity, nor that the money was obtained by the exercise of

"There is an obvious distinction between such a contention and the claim made by the plaintiff that the money was extorted under threat and duress. The former implies a voluntary giving, but under a fraudulent and controlling influ-ence which, if proved, will avoid the transacand the state of the ground of the tanker in while the latter imports the doing of an act under force and compulsion, and therefore involuntarily. Relief cannot be granted, therefore, on the ground of undue influence. It is not alleged, and consequently is not an issue.

quently is not an issue.

"In the framing of the complaint and the conduct of the trial the case has proceeded upon an entirely different theory. Even if acts of blackmail and threats of violence and exposure may be held competent to support an allegation of undue influence the specific acts allegad in the complaint. the specific acts alleged in the complaint and upon which the plaintiff must rely for a recovery are not established and the grievance complained of is without evidence

"The attempt to establish the averments of the complaint as to the measures em-ployed to secure the plaintiff's property having wholly falled the Court under the rule that the recovery must be secundum allegata et probata, can afford the plaintiff no relief in the action. The complaint is dismissed, but without costs."

Technically, Platt sought to recover by equesting the Supreme Court to impress a rust for the amount which he says he

trust for the amount which he says he gave the Elias woman upon several parcels of real estate purchased by her out of the moneys which she received from him.

Washington Brauns, Mrs. Elias's counsel, when he heard of the decision, said that it was just what they, meaning himself and ex-Gov. Black, who defended the woman at the trial, had expected. It meant a complete victory for Mrs. Elias, Brauns said. Soon after he received word of the decision Brauns left his office in Nassau street, preumably to convey the news to his client He refused to say anything about her plans for the future or to tell where she is living now. A few weeks ago it was said that she had left her home in Central Park West and moved into a house in the Bronx.

Platt began his action against the Elias woman early in June, 1904, when he filed at the County Clerk's office a lis pendens on her property and his complaint in the Supreme Court. Later he obtained a temporary injunction restraining her from drawing any moneys from the banks and from collecting any rent on property which he alleged had been bought with money given to her by him. A receiver also was appointed to take charge of her property pending the trial of the suit, Mrs. Elias being allowed \$500 a month. On Feb. 11 the Appellate Division set exide the inthe Appellate Division set aside the injunction on the ground that no evidence had been adduced to support Platt's allegations. Then the temporary injunction now in force was obtained on evidence given by Mrs. Elias herself at the trial. The criminal proceedings, which were dismissed. inal proceedings, which were dismissed by Magistrate Ommen, were of course entirely independent of the action dis-

missed by the present decision.

An argument was to have been heard An argument was to have been heard before Justice Truax in the Supreme Court falling prices caused this smash of falling vesterday relating to the Platt-Elias case glass! yesterday relating to the Platt-Elias case but it was adjourned sine die by consent but it was adjourned sine die by consent of the lawyers. This motion, made by Lawyer Warren, Platt's counsel, was that Washington Brauns, the Elias woman's original counsel, should be adjudged in been served with an injunction in the case.

PIRATE SCENERY TRUCK Carts Off a Carload From Theatrical Managers' Storehouse.

Wagenhalls & Kemper, theatrical managers, who have a number of road companies. as well as a show in this city, have been storing a lot of their scenery in a warehouse they own in Orange. On Monday they "Robert Drouet," He found everyhing all right. Yesterday he went but again and found that sometime on Monday night the warehouse had been entered and enough scenery stolen to fill a railroad car. It included the entire scenery for "Robert Drouet" and the scenery for one act of "Resurrection," most of the scenery for "Macbeth" and "Henry VII." well known to threatrical managers, and used originally by Mme. Modjeska and the nymph scene of "Midsummer Night's Dream."

A scenery truck had been backed up to the warehouse in the night. The wheel-marks were visible. No scenery was shipped from Orange by the railroad and where the truck went hasn't been discovered. The warehouse is only a block away from the police station. The police at Orange said last night that they had not heard of the that

It's the strangest robbery I ever heard t, said Manager Reynolds of the "The scenery is of no value, except theatrical manager who wanted to put just those companies on the road."

BLAZE ON LOWER BROADWAY. Italian Consulate and Directory Damaged 85,000 Worth.

The five story brownstone building at 35 Broadway was damaged to the extent of \$5,000 by fire last night. The blaze started e second floor and damaged the offices oled by the Italian Consulate and the Italian directory.
Considerable damage was also done

on the fourth and fifth floors.

NEW HAVEN. Feb. 21.-Announcement was made to-night that plans had been made to collect between \$750,000 and \$1,000,-100 from the alumni of Yale for the erection of five new dormitories on the Yale campus. Each class will be expected to contribute a specific sum. One of the arguments in favor of these new dormitories is that resident Hadley wants to get all the Yale family together on the campus.

LIVE TOPICS ABOUT TOWN.

On the last night of the dog show there were many sales. One in particular attracted attention. The crowd was thick about the St. Bernard benches. One big tawny fellow, with white chest, a dash of white on his face and affectionate brown eyes, was gravely offering a massive paw to his admirers, when a prosperous looking old man came up.

The dog attracted his attention at once There was some talk with the owner, and the dog was taken down and walked about. He seemed to know that something of import was pending. He watched first his owner and then the other man as they talked. Finally, the man gave the owner his card and awkwardly patted the dog's head. It responded politely with profered paw. The owner turned to the dog and the dog rose, put his paws on his master's shoulders and licked the side of his face.
"I hate to let you go, old fellow," said the man regretfully.

Oranges are disappearing from New York breakfast tables and are rarely seen in restaurants. The old fashioned way of eating the fruit was too slow for the present generation and, in the opinion of this hygienic age, less wholesome than the present method. So orange juice served in cups is fast becoming a substitute for the

A chorus girl much admired just now was crossing from the Flatiron Building gust of wind struck her a New York man happened to be saying to a friend from That's the most stunning show girl

After a moment, looking somewhat mystified, the up-State man said:
"Well, I don't see why you call her a show girl. It was just an accident: the wind did it."

Every day a broker's clerk comes bout 5 o'clock from the Broadway office of his principal with a closely folded newspapar in each hand. He mounts the steps of the elevated, and as he hurries between the two ticket choppers quickly puts the newspaper in his left hand into his right, making a motion as if he had deposited a ticket. Then he walks leisurely forward and takes his train. He boasts that he has not paid a single uptown fare in a year.

A new application of an old advertising dodge has appeared in the shopping district. An elderly, withered woman has in large letters on the front of her coat "Before," while the freshlyoung girl beside her has on her coat "After." To pedestrians who wonder what it means a brisk young man who stands beside them distributes circulars explaining the wonders worked by a certain skin food. worked by a certain skin food.

A new restaurant opened in one of the cross streets near Broadway has already brought sorrow to the hearts of two similar and smaller establishments opposite. They do not fear the rivalry of the new place. Their lients are wholly in a different class. But they do not object strenuously to the electric signs on the façade of the new establishment. They light the street into a blaze that destroys all its old time privacy and quietude. These peculiarities of the block were necessary to the prosperity of the old restaurants and the proprietors are in despair at the loss.

One of the professional dunning companies recently called to the attention of the District Attorney's office has invented a form of notice calculated to frighten an ignorant delinquent out of his wits. It sends out a flaming vellow paper labelled summons" and covered all over with important looking seals and sorolls. It is, unluckily for the company, too much like the real thing for the company's welfare, and the career of the circulars will in all probability be summarily checked by the

"Yes, trade's picking up," said a downtown cigar dealer. "The customers we lose annually for a month or two after Christmas are returning. They are mostly clerks, bookkeepers and messengers who receive for Christmas boxes of cigars which keep them supplied for several weeks. When they return to us we know they have smoked their Christmas presents."

Almost any old thing will draw a crowd in New York. A sagacious haberdasher, knowing this, turned a costly accident into an advertising scheme, and doubtless dis-

posed of an extra lot of his wares. The big plate glass window of his store had been smashed. He patched it up, all but a hole about eight inches in diameter Through the hole he pushed a thick plank, leaving about a foot protruding on the out-. Some building work was being done on the opposite side of the street, and from the angle of the board it looked as though it had either been thrown or blown through the window. The curious stopped to ponand guess. Then the haberdasher hung out a sign:
"Smash is my motto! The crash of

As nearly as the clerk could make out, her remarks concerned some custom shirts her husband had had made to his order recently, but she so plentifully enlarged her limited English vocabulary with Hebrew and German words that understanding her was difficult. Finally the salesman decided that what she wished was a duplication of the order.

"That's all right," he assured her. "We have his measurements in this book. We'll make them right away. Want a dozen, same as the last?"
"Nein," was the despairing answer. "Vy should I vant more shirts? Is it not enough dot he has eleven left an dot he is det?"

The clerk gave it up and called a small The clerk gave it up and called a small cashboy, who after an excited discussion in Yiddish with the woman explained.

"Her old man's dead. They've got eleven of those shirts left and she wants to sell them back. She says she's washed them so they look just like they did when they came from the store." they came from the store."

The temperature rose yesterday in all the Middle Atlantic and New England States, and at most points in the Missouri valley and Rocky Mountain slope. It ranged from 30 to 40 degrees in the Atlantic coast States from middle New England to South Carolina. Freezing weather extended across the northern part of the country from Maine to Montana, and dipped down the Mississippi valley to southern Illinois. There was rain in Ohio and Western Pennsylvania, on the south Atlantic coast and in Washington It was cloudy and unsettled in the Gulf States, the central valleys and the Lake regions. Elsewhere fair weather prevailed. The pressure which appeared over the Northwest on Monday was central over the upper Mississippi

In this city the day was fair and warmer, wind light to fresh northerly; average humidity, 65 per cent.; barometer, corrected to read to sea level. temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

The lowest temperature, 32°, at 2 A. M. WASHINGTON FORECAST FOR TO DAY AND TO MORROW

For eastern New York, increasing cloudiness, with snow in the interior; and rain on the coast to-day; torow fair: fresh east to southwest winds. For western New York, snow to-day, somewhat colder; to-morrow snow; increasing east winds.

shifting to northwest.

For New England, rain in south, snow in north portion to-day: to-morrow fair except snow in rth portion; increasing east to southeast winds. For eastern Pennsylvania, rain in south, snow in north portion to-day; to-morrow fair; fresh east winds, becoming northwest.

For New Jersey and Delaware, rain to-day; to-morrow fair; fresh east to southeast winds. For western Pennsylvania, rain to-day; to-mor snow flurries and colder; fresh south shifting

INDIAN TERRITORY OIL FIGHT.

APPEALS FROM KANSAS AGAINST THE FOSTER LEASE,

Which Covers Some 1.600,000 Acres and Which the Kansans Say Is in the Standard's Hands-Congressman Vreeland Says Land Is Worthless.

WASHINGTON, Feb. 21 .- A new turn was given to-day to the fight of Kansas against he Standard Oil combination by the sending by the officers of the State Legislature of telegrams to Speaker Cannon and other members of the House protesting against he renewal of the Foster lease. lease is now controlled by the Indian Territory Illuminating Oil Company and embraces some 1,600,000 acres of land in the Osage Indian reservation.

The ground of protest against it is that the illuminating company is one of the large number of Standard Oil subsidiary concerns and that it is trying to monopolize the oil business in Indian Territory and

A news despatch from the Indian Territory alleged that W. J. Bryan, Chairman Taggart of the Democratic national committee, Col. J. M. Guffey of Pittsburg, the head of the Democratic organization in Pennsylvania, Senator Penrose, Representative Sibley and other politicians of national to the other side of Fifth avenue. As a fame were interested in the lease as stock-

In answer to that charge Representative Vreeland of New York to-morrow will file lists of the stockholders of the Illuminating Oil Company with the Indian committees of the two Houses. He exhibited the list to a number of members to-day to show that there is no truth in the allegation from Kansas.

The list was made by the Corporation The list was made by the Corporation Trust Company, transfer agent of the oil company, and shows the stockholders of record on Nov. 15 last, the latest in existence. Not one of the men named appears as a stockholder of the company which owns the lease, but constituents of the Coursesseen mentioned are among the Congressmen mentioned are among the

Congressmen mentioned are among the lessees of the Illuminating company.

"The Standard has not a penny invested in the Indian Territory field," said Representative Vreeland to-day. "What is stranger still is that it does not own a single lease. There is no other field that has such a distinction. The Standard has at least a lease in every other field. The truth about this matter is that the Standard regarded the territory as such a "wild cat".

regarded the territory as such a 'wild cat' that it paid absolutely no attention to it.

"Foster, the man who got the original lease, had a brother, who controlled a savings bank at Westerly, R. I. The bank backed him to such an extent that it had to close its doors. It appears in the list of stockholders as the owner of 200,000 shares of the capital stock. I imagine the depositors of that bank would be very glad to learn that the Standard is back of the illustration accounts. the filuminating company. They might then hope to let some of their money.

"The territory was such a poor thing that even after oil was found it was given away. When the owners of the lease did get a spur of a railroad into the territory the rate of 45 cents a heart was absolutely.

the rate of 45 cents a barrel was absolutely ruinous. Recently, however, the com-pany has induced the Standard to lay a pipe line to the field and something is coming back on the original investment. The company has gone broke three times in trying to develop the field."

William T. Leahy, a member of the council of the Osage Indians, to-day issued a long statement in which he charges the Secretary of the Interior with breaking forth with the Osage tribe in connection pipe line to the field and something is com-

Secretary of the Interior with breaking faith with the Osage tribe in connection with the Foster blanket oil lease. He also charges that the modification of the lease as approved by Secretary Hitchcook is just what the old lessors wanted and just what the tribe did not want.

Notwithstanding Mr. Leahy's statement in this connection and the evident dissatisfaction of the Osage Indians, the controversy was closed to-day when the matter was was closed to-day when the matter was discussed at the Cabinet meeting. The President is satisfied that Secretary Hitchcock secured the best possible terms for the Indians under the circumstances, and it is said he indorses the Secretary's approval of the blanket lease.

the Standard Oil Company's methods in Texas grows more acute daily. Every independent producer in Texas to-day signed a petition which was forwarded to the Texas delegation in Congress and to commissioner Garfleld, asking for an immediate inquiry into Standard Oil methods in Texas. It is declared that the independents are being crowded out of the Texas fields by unfair means, and which they are helpless to combat.

The fight in the Legislature over the Decker pipe line and refinery bill is becoming very spirited. Both houses now have their committees at work hearing the friends and opponents of the Standard Oil nterests, much heated language has been indulged in at Austin and personal col-lisions narrowly averted. Judge Brooks of Louisiana, representing the Standard nterests, and Senator Decker, author of the bill, had some hot passages in the Senate Judiciary Committee, in which Judge Brooks accused Senator Decker of ignorance of the provisions of his own bill, and Senator

Decker retorted in vigorous style. Representative Myrick of Beaumont has prepared a compromise measure which he nopes to have substituted for the Decker bill, but it is not believed the Deckeradvocates will make any material concessions. The bill is expected to be gotten out of committee by March 3 or 4 for general discus-

Austin, Tex., Feb. 21.-The J. M. Guffey Petroleum Company has acquired control of the Texas company, which has been its strongest competitor in the oil fields. John W. Gates is at the head of the Texas com-W. Gates is at the head of the Texas company. The fact that this transaction had been made developed at the hearing before the Legislature on the oil pipe line bill to-day. Representatives of the Guffey company said that it will formally take over the holdings of the Texas company as soon as the bill making pipe lines common carriers is passed by the Legislature. The Guffey company is a Standard Oil concern.

Springfield, Ill., Feb. 21.-Illinois today swung into the column of States lined up against the Standard Oil Company

up against the Standard Oil Company through the action of the House of Representatives in adopting two resolutions just before adjournment at noon to-day.

"As a preliminary to test the spirit of the House I rise to put a resolution," declared Representative Allen, sending to the clerk a drastic resolution seeking to grant a loan of \$100,000 to Kansas to aid in the es-tablishment of a State system of refineries

tablishment of a State system of refineries as a move in its warfare on Standard Oil. There was some giggling while the resolution was being read, and the Democrats seemed to regard it as a joke calculated to injure a resolution introduced by Mr. McGooety a moment later asking for the appointment of a committee to investigate the status of the Standard Oil pipe line now under construction across Illi Allen's resolution was adopted by a viva voce vote, the Republicans supplit solidly, while the Democratic side sh

disapproval. The resolution is of no force without similar action by the Senate, and the prediction was freely made that it will not be heard from in the upper house.

JEFFERSON CITY, Mo., Feb. 21.—Representative Lyons of Kansas City introduced in the house this afternoon three bills directed against the Standard Oil Company. in the house this afternoon three oils di-rected against the Standard Oil Company. The first fixes the scale of railroad rates for the transportation of crude oil. The second prohibits the transportation of a common commodity at a lower rate in one community than in another. The third makes pine lines common carriers.

makes pipe lines common carriers.

BUCYRUS, Ohio, Feb. 21.—Frank S. Monnett, ex-Attorney General of Ohio, who has been employed by the independent oil people of Kansas to assist in their fight

against the Standard Oil Company in that State, said to-day: "The present action of Kansas. Texas and

"The present action of Kansas. Texas and Wisconsin, backed by the national Government, is the most vulnerable blow ever struck against the Standard Oil Company. If pushed to a finish, it will be the death of the world's greatest trust and will so weaken the lesser evils of a like nature that trust legislation and trust evils will be

KANSAS'S FIGHT ON TRUSTS. Permanent State Commission to Make War on All Kinds of Them.

TOPEKA, Kan., Feb. 21.-Kansas will provide for a permanent State commission to investigate and prosecute trusts now alleged to be violating law here. The millers, grain dealers, grocers and packers will be investigated. Special attention will be given to the Standard Oil Company. This investigation will be separate from the Federal inquiry instituted by Com-missioner Garfield. Former Attorney-Gen-eral Monett of Ohio is on the way here and will arrive to-morrow. Commissioner Gar-field's force will arrive later in the week.

West Virginia Raid on Corporations Beaten. WHEELING, W. Va., Feb. 21.—The special taxation planned by certain legislative forces for oil, gas and coal has been completely knocked out by the Senate. The defeat of the bill means that corporations, both railroads and all coal, oil and gas companies, have gained a better hold in the West Virginia Legislature, and measres against non-resident corporations will

33 BODIES RECOVERED.

Hope That a Few of the 116 Imprisoned

Alabama Miners May He Alive. BIRMINGHAM, Ala., Feb. 21.-When darkess came to-night thirty-three bodies had been brought to the surface from the Virginia coal mine where 116 men were entombed last night.

Late this afternoon there was a ray of lope that some of the entombed men might not be dead, as one of the victims brought to the surface was found to be alive. He was John Pendley, a well known When the party reached the surface and depisited six bodies on the platform it was found that Pendley was breathing. A physician was summoned and every effort made to revive him, but he died in a

The body of John Copley, another well known miner, was still warm, and the phy-sician declared that he had not been dead

ve minutes.

These developments encouraged the rescuers greatly and they entered upon their work with renewed vigor, with the hope that some of the men who had been trapped 1.800 feet underground would be found

alive.

Nine bodies had not been identified at last accounts. That the explosion was caused by a dry "shot" is not denied. The day shift in going off duty had overcharged one of the shots and when the night shift exploded it the particles of gas and dust in the mine took fire, the fire spreading from room to room. The bodies recovered show that all the men who were working nearest the entrance were killed by the pearest the entrance were killed by the core of the explosion, as their bodies were charred and blackened and in some cases mangled. Those in the furthest room escaped death from the effects of the ex-plosion only to die from suffocation, though is hoped that a few of them nearest the air course have managed to keep alive.

The rescuers have encountered great difficulties in reaching the interior of the mine. Scores of men have been overcome by "after damp" and have been hauled to the surface, their places being taken by

MORE CHADWICK INDICTMENTS. The Woman and Several Ohio Bankers

Presented by Federal Grand Jury. CLEVELAND, Feb. 21.-The Federal Grand Jury this afternoon brought in several indictments against Mrs. Cassie L. Chadwick and also indictments against Ohio bankers, A. B. Spear, cashier of the wrecked Oberlin Bank, was indicted for the misoplication of \$80,000 of the funds of the bank on Aug. 24, 1903. Two drafts of the Importers and Traders' National Bank of New Texas Independents Rise Up-Illinois Plan to Lend Kansas \$100,000.

Texas Independents Rise Up-Illinois Plan to Lend Kansas \$100,000.

porters and the other for \$50,000 and the other for \$30,000, are mentioned in connection with this charge. Another count charges him with making false entries in the books of

Mrs. Chadwick was also indicted for aiding and abetting in all of the above offences. She was also indicted for al-leged conspiracy with C. T. Beckwith, president of the defunct Oberlin Bank, and president of the defunct Oberlin Bank, and A. B. Spear, to commit the offences against the United States, so the indictment reads. An indictment was returned against L. P. Ohliger, president of the Wooster National Bank. He is charged with embezzlement, abstracting the bank's funds, wilful misapplication of the bank's funds, and making false entries in the bank's books.

G. R. Zimmerman, managing director of the same bank, was indicted for aiding and abetting in the same offences. Ohliger was also indicted separately on a charge of perjury in having made a false oath to the report of the tank's condition.

C. M. Traver and O. C. Lillie, president

report of the tank's condition.

C. M. Traver and O. C. Lillie, president and cashier respectively of the First National Bank of Conneaut, were indicted jointly on sixteen counts. They are accused of making false entries in the books of the bank and the reports.

District Attorney Sullivan said to-day that his present expectation was to try

that his present expectation was to try Mrs. Chadwick on the conspiracy charge

HOSPITAL MATRON CONVICTED. Verdict of Manslaughter for Scalding

Child to Death in a Bath. ELIZABETH, N. J., Feb. 21 .- After deliberating two hours, the jury that has been istening to the evidence in the case of Miss Mary A. Hart, matron of the Elizabeth Day Nursery, who was charged with having caused the death of three-year-old Elsie Ernst by scalding her in a bath, returned a verdict of manslaughter this afternoon. There was an earnest recommendation to mercy which Prosecutor English sec-

Miss Hart was present when the verdict Miss Hart was present when the verdict was pronounced. She lost control of herself for the first time in the trial of two days and went into hysterics. She was led from the court room by friends and to-night she is at her home. She will be called for sentence some day this week.

On the stand to-day. Miss Hart contradicted the story told yesterday by Miss Procell, that she had forced Elsie Ernst into a crib that was too short and pressed on her body until the blood gushed from the child's mouth. She flatly contradicted the story of witnesses for the State who swore that she was intoxicated and that

swore that she was intoxicated and that the water in the bathtub was too hot to be endured by the child. Wireless on New Anchor Line Boats. Henderson Bros., agents of the Anchor Line at this port, received a despatch yes-

terday from the home office in Glasgow announcing that the line's new steamship, the Caledonia, and her consort, the Columbia, will be fitted with the Marconi wireless system of telegraphy.

Finest

AFFIDAVITS OF PARK GRAFT.

JACOB A. COSTUMA DESCRIBED AS STRIKING FOR \$75,000.

Represented That He Was Pallas's Confidential Man and Told Two Bidders. as They Swear, He Could Land a Big Contract for Them-No Crime Shown.

When the Hecla Iron Works of Brooklyn failed to get the contract for furnishing the book stacks to the new Public Library, although its bid was nearly \$200,000 less than that of the Snead Iron Company of Louisville, Ky., to which the Board of Estimate awarded the contract, some of the officers of the Hecla company intimated that if they had been willing to pay out money to certain officials they could have obtained the contract. Comptroller Grout asked the District Attorney to make an investigation.

Mr. Jerome made the inquiry and as a result of it he sent yesterday to Mr. Grout affidavits made by one of the officials of the company. The affidavits mostly repeat the accusations made before by the company's representatives but they also give the name of the man who is alleged to have approached them as Jacob A. Costuma, who until last October was a foreman in the Park Department at \$8 a day.

Accompanying the affidavits sent to Mr. Grout was a letter written by the District Attorney in which he said that nothing in the affidavita showed that a crime had been

One of the affidavits was made by Robert A. McCord, secretary of the Hecla com-pany. After stating that, when he went in September last to Park Commissioner Pallas's office to listen to the reading of the bids. Costuma invited him to step into his office, Mr. McCord adds:

"He asked me if there was \$75,000 in it If there was \$75,000 in it, he knew the people who could land us the job, whether our bid was high or low. I told him there was not 75 cents in it, that we would stand or fall by our bid. Then I walked out and sat down with the rest of the bidders, awaiting results. I had no further conversation with him on that day.

phoned me, saying that he was Mr. Costuma-and I think I recognized the voice as Mr. Costuma's-asking me to come up and see him at the Arsenal. I said, 'All right,' and made an appointment to see

"I went right up to Mr. Costuma's office and found him alone in his office. Accompanying me was Mr. Albee, who was employed by the Hecla Iron Works, in my de partment. We spent altogether about ten minutes in Mr. Costuma's office. . As soon as I got there he said right out that he thought that \$25,000 to a certain party would land the job to us and that was not enough to take care of him, but that I would have to take care of him outside of that. I enswered him at once that there was not 25 cents in it for anybody. Then he asked me if I could not bring it around in some way as a campaign fund. Then he asked me if I would not speak to Mr. Poulson, who is the president of the Hecla Iron Works. about it. I did not say, one way or another; but my idea is that I left him with the impression that I would speak to Mr. Poulson which I did not do until yesterday."

In another affidavit William C. Post, vice-president of the Post & McCord Company, stated that while he was examining the specifications, with a view to bidding for the stacks, Costuma approached him and "represented that he was Mr. Pallas's confidential man and could assist us in getting the work."

Costuma's wife has informed the District Attorney that her husband is in Florida, but that she does not know his exact where-

ALL THE SULLIVANS BUT ONE At the Oxford Dance-President Needed Big Tim in Washington.

Why can't the common people have Madison Square Garden when they nee! it for mingling purposes?

Why does President Roosevelt keep Congressman Sullivan in Washington, when e wants to lead the grand march at Harry Oxford's ball?

Such were the only criticisms heard in Webster Hall, Eleventh street and Third avenue, last night, when the Third Assembly district had its great social time. The Oxford Association knew that the Garden was the only place that could hold Handsome Harry's admirers, and Big Lou Morris, one of Harry's lieutenante, offered the Sportsman's Show people \$800 if they would postpone their doings for a single night. They wouldn't, so the Oxforders did the best they could with Webster Hall, which is really four halls. They were all rigged up for dancing. As early as 8 o'clock East Eleventh street was choked with the ar-

It was it o'clock when the grand march began. As Big Tim couldn't be there, Harry Oxford did the honors, accompanied by Mrs. Oxford and followed by two little riving populace.

by Mrs. Oxford and followed by two little Oxfords.

Behind Harry came Billy Murphy, Joe Dunn, the president of the association; Mike Clancy, Col. Michael F. Padden, the immaculate and inscrutable: Martin Mo-Gowan and, oh, so many thousands of the youth, beauty and chivalry that is bounded on the north and south by St. Mark's place and Chrystie street and on the east and west by Second avenue and Broadway.

Evening dress was not demanded. One

west by Second avenue and Broadway.

Evening dress was not demanded. One had only to be clean and gay. There were hundreds of masqueraders, so wondrously bedecked that the costumers of Second avenue had empty shops last night. In the balconies gleamed the élite, with diamonds, approbation and champagne.

From the boxes beamed such patron saints as Little Tim, of whose august Board of Aldermen Harry Oxford is sergeant-atarms; Assemblyman Charlie Anderson, who succeeded Harry as the Albany representative of the Third; Tom McGuigan, who is going to have a great inauguration ball of succeeded Harry as the Albany representative of the Third; Tom McGuigan, who is going to have a great inauguration ball of his own on March 4; Abe Goldfarb, Congressman Fitzgerald, a score of Aldermen gathered from all parts of the town; dozens of district leaders, come to look at the biggest of all the district balls, surpassing even Boss Murphy's Anawanda, and Sullivans, Sullivans—Florrie and Chris and Pat and all the rest.

They had four orchestras going and they played everything from the Oxford Club Entrée to the Esmeralda McCann two-step.

LOAN ASSOCIATIONS PROTEST.

Attention of the State Invited to a So Called Brooklyn Clearing House. Fifty representatives of building and loan associations in this city, having assets of \$5,000,000, met at the Astor House last night and passed resolutions protesting against a concern in Brooklyn known as the Clearing House of Local Building

Associations.

The resolutions set forth that the plan of the "clearing house" as related in its bylaws and constitution was not such as to induce the support of conservatively managed associations and should be discovered. Associations. aged associations and should be discouraged.

A copy of the resolutions will be forwarded to F. D. Kilburn, State Superintendent of Banks.

Sir Henry Irving Better.

Special Cable Despatch to THE SUN.
LONDON, Feb. 21.—Sir Henry Irving has so far recovered from the chill which over-Sold in 1879—before the breakfast food craze began.
Save the picture Certificate in every package.

Came him last night that he was able to appear to-night in "Becket" at Wolver-hampton. He received an ovarious forms. hampton. He received an ovation from



It's Square!

Distillery [SQUARE BOTTLE] Bottling. Mount Vernon Rye. WASHINGTON'S BIRTHDAY-

173d anniversary. A legal holiday, generally observed in the United States. Born, Westmoreland County, Va., Feb., 1732. First President of the United States, inaugurated 1789. Died 1799 at the age of 67.

Washington's old home at Mt. Vernon still stands in a perfect state of preservation, and is the most cherished relic remaining. It is a few miles from Washington, D. C., on

Mount Vernon Rye Whiskey in a Square Bottle is the most appropriate whiskey with which to celebrate this patriotic occasion—the birthday of our first president.

Distillery [Square] Bottling. The Distillers guarantee the contents of the Square Bottles.

The Bottler guarantees the contents of the Square Bottles. To re-use the Square Bottles renders offenders liable to prosecution by both Distiller and Bottler.

THE COOK & BERNHEIMER CO.

th him on that day. "About two weeks later some one tele- FREIGHT RATE MOCK COURT.

George Washington

Mount Vernon

Feb. 22d

SUMNER OF YALE.

Call It One to Give It Prestige-Political Interference Will Complicate Economic Problems -Our Institutions Not Equal to Running All America.

onomy at Yale, talked to the Quill Club at the Manhattan Hotel last night on "The University and the Economic Problem for Modern Society.* Prof. Sumner said, in "In the last few weeks the House of Representatives has acted on an assumed

Representatives has acted on an assumed demand that a commission should be created which should have the power to fix freight rates. On Feb. 3 the House out to create such a power. They did by taking up the methods which they have developed for doing what the leaders of the party in power have decided should done. A caucus of the ruling party ded that there should be no debate, refusing to hear arguments on the manual of the power to amend it, and suppressed with scorn and ridicule such apposition as developed in the caucus.

with scorn and ridicule such apposition as developed in the caucus.

"They thus renounced all the methods of legislative action which we have inherited with legislative institutions as necessary to wise action and they adopted a new rule of order by which to force the bill through the House. There is no reasonable ground to expect that out of this method of political action and contributions the wise cal action any contribution to the solution of economic questions can com-"On the contrary we can only expect that all political interference will disturb and complicate economic problems. I we want to go on and prosper indefinitel few and good laws, just courts and honest police. Why we need good laws and good government is not to keep the masters of industry from doing wrong, but to hold the parts of the industrial organization in harmony. The system of preventing a narmony. The system of preventing a man from doing work or setting another to watch and control him is false, because the whole community will have to be turned at last into a great series of watchers and watched, and wickedness will then flourish

more than now.
"If we have a tribunal established to fix freight rates we may call it a 'court,' but it will have to decide economic questions, not judicial questions. It cannot be a court but we will have to call it one in order get for it the prestige which now belongs the most unspoiled part of our political

"The dogmas of political optimism which we have inherited from the eighteenth and nineteenth centuries are to be put to new tests which they cannot stand. Our political institutions are to be put under a great strain by the evident attempt of the United States to act as governor, patron and re-ceiver for the rest of America. They canceiver for the rest of America. They cannot meet such a strain. They were planned for a confederation of petty agricultural republics; they might have sufficed for a republic of industrial interests and unambitious citizens. They will not suffice for an imperial world power. We shall have to choose between the Monroe Doctors and the Constitution of 1787." trine and the Constitution of 1787."

NO CAPITAL REQUIRED. Attractive Offer of Silverware at Long Range Brings Detectives to Call.

C. A. Brown, 26 years old, of 68 West Forty-seventh street, was arrested last night by Detectives Fitzsimmons and Higgins of the Church street station for violating section 363 of the Penal Code, which makes it a misdemeanor to use the expression "and company" in a business name when no actual partner is repre-sented thereby. A warrant was issued by Magistrate Steinert.

Police Headquarters had received an in-

rolled Headquarters had received an inquiry concerning the business of C. A. Brown & Co. of 19 Park place from D. F. Gleason of Alkon, Fla., who had received an offer of a box of fine silverware upon received \$2.20 for reading and the contraction of the contra receipt of \$2.29 for packing and expressage.

When the detectives called at the Park place address and asked to see some samplace address and asked to see some samples of silverware, Brown told them he didn't carry any in stock, but would go to Rogers & Bro. and get some. He simply had desk room there and didn't carry any stock, as he did a mail order business requiring no capital He had only six cents about him.

NOT A COURT AT ALL, SAYS PROF. Forsythe's Walking Suits William G. Sumner, professor of political Special tomorrow

100 New Spring Suits, Etons Coats, Blouses

\$28.00

Undoubtedly the best values we have ever offered.

John Forsythe

THE WAIST HOUSE \$65 Broadway, 17th and 18th Streets.

WOMAN WIELDS BASEBALL BAT. Cop Says She Gave Him a Good Joit In

Policy Raid in Her Home. Louis Hiller, a benevolent looking, grayhaired German, 60 years old, and Annie Hiller, his Irish wife, who is fat and 47, were arrested yesterday afternoon by Patrolmen Murray and Hamilton of Deteo tive Sergeant Eggers's Headquarters staff on the charge of running a policy joint in their apartment on the second floor of 410 East Fifty-ninth street. Some policy paraphernalia was seized and with the

paraphernania was seized and wind the prisoners was taken to Police Headquarters. The prisoners were subsequently locked up in the Mulberry street station.

The officers said they had been several days gathering evidence against the place. When they entered Hiller's apartment, which is over a sales of the place. which is over a saloon, yesterday, Mrs. Hiller seemed to divine their mission, they said, for she thrust a manifold book and some sheets into a stove, where they were consumed before the cops could rescue them. While Murray was searching her husband, Mrs. Hiller, the policemen said, struck at his back with a baseball bat-Hamilton grabbed her arm and broke the full force of the blow, but at that Murray received a pretty good joit. The woman expressed her opinion of the cops at the top of her voice, causing a big crowd to gather in front of the house. The crowd also made uncomplimentary remarks. The policeman, however, got away with their prisoners without further trouble.

Sergt. Eggers said he didn't know who was backing the game. The place is in Capt. Lantry's precinct. It so bappened that Capt. Lantry was detailed at Police Headquarters for night duty yesterday, and the first he knew of the raid was when the prigoners were arraigned in the bureau. the prisoners were arraigned in the bureau of information, where he was sitting

"PROM" VISITORS WORRIED By a Case of Diphtheria in the Princeton

Inn-No Danger, However, PRINCETON, N. J., Feb. 21.-The juniors at Princeton gave their annual promenade to-night. Before the dance there was a

Glee Club concert in Alexander Hall. Among the patronesses at the dance

Among the patronesses at the dance were Mrs. Orme Wilson, Mrs. A. D. Juliliard, Mrs. C. W. McAlpin, Mrs. W. S. Pyle, Mrs. A. D. Russell, Mrs. J. H. Janeway, Mrs. Henry van Dyke, Mrs. Allen Marquand and Mrs. Woodrow Wilson.

Some excitement was caused when it was discovered to-day that Mrs. Lee, wife of the manager of the Princeton Inn, was ill with diphtheria. A number of the visitors ill with diphtheria. A number of the visitors for the promenade were staying at the inn and for a time it was thought that perhaps they might have been exposed. It has been learned, however, that there is not and has not been any danger of infection to any of the guests, as Mrs. Lee is confined in a separate wing of the house.

The inn will not be put under quarantine.

Modern Knighthood, as Did the Defenders of the Fleur-de-Lis of France, Pledge Their Faith and Woo the

Goddess of Success in Generous Libations of PERRIER-JOUET CHAMPAGNE

"Wine of the Peerage"

At Leading Clubs and Cafes NEW YORK AND KENTUCKY COMPANY, New York Branch, 232 Fifth Avenue, cor. 27th Street, Sole Agenta